

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN E. ISOM,

Petitioner,

v.

Case No. 07-C-0047

RICHARD S. SCHNEITER, Warden,

Respondent.

. ORDER ON PETITIONER'S "MOTION TO SUBPOENA & AMEND THE PENDING ACTION" AND ON PETITIONER'S "CORRESPONDENCE AND REQUEST"

On January 16, 2007, the petitioner, John E. Isom ("Isom"), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Thereafter, after Rule 4 review, this court issued a briefing schedule with respect to the claims set forth in Isom's petition. In accordance with that schedule the parties have now filed their respective briefs. In addition, however, on March 26, 2007, Isom filed a "Motion to Subpoena & Amend the Pending Action," and on March 29, 2007, Isom filed a document entitled "Correspondence and Request."

In his March 26, 2007 motion, Isom seeks an order requiring the respondent to file with this court the entire file in Case No. 02-CF-00621. According to Isom, that particular case file deals with the criminal prosecution of Samuel Isom, whom Isom claims is "the primary culprit in the petitioner's [c]ase . . . pertaining to Count: 3 the charge of delivery of controlled substance cocaine as a party to the crime." (Pet'r's Mot. at 1.) Isom's motion will be denied. I have preliminarily reviewed the parties' briefs in this habeas corpus action and am not persuaded that it will be

necessary to review that other criminal case file in connection with deciding Isom's habeas corpus petition.

In his March 29, 2007 written submission, Isom requests that the respondent be ordered to file with this court (and serve on the petitioner) the entire trial transcript of the state court proceedings, rather than just what portion of the transcript has been filed to date by the respondent. In that connection, I note that in his answer the respondent asserts that he has in his possession copies of the entire trial transcript and that it can be filed within seven days of a request to do so. Isom's request will be granted.

NOW THEREFORE IT IS ORDERED that Isom's "Motion to Subpoena & Amend the Pending Action" be and hereby is **DENIED**;

IT IS FURTHER ORDERED that Isom's "Correspondence and Request" be and hereby is **GRANTED**;

IT IS FURTHER ORDERED that on or before May 25, 2007, the respondent shall file with this court and serve on the petitioner a copy of the entire trial transcript in the petitioner's state court prosecution, i.e., in Case No. 02-CF-00659.

SO ORDERED this 10th day of May 2007, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge